

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

SEP - 4 2018

Clerk, U S District Court  
District Of Montana  
Billings

CONNIE LAR, guardian of J.O., a  
minor,

Plaintiff,

vs.

BILLINGS SCHOOL DISTRICT, a  
public school district,

Defendant.

CV 17-127-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge Timothy Cavan filed Findings and Recommendations on August 10, 2018. (Doc. 17). Judge Cavan recommended that Defendant's motion to dismiss for failure to state a claim be denied. (*Id.* at 20).


Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 17) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Doc. 3) is DENIED.

DATED this 4<sup>th</sup> day of September, 2018.

  
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SUSAN P. WATTERS  
United States District Judge